

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CIF LICENSING, LLC, d/b/a)
GE LICENSING,)
Plaintiff,) C.A. No. 07-170-JJF
v.)
AGERE SYSTEMS INC.,)
Defendant.)

**DEFENDANT AGERE SYSTEMS INC.'S MOTION TO COMPEL DISCOVERY
FROM PLAINTIFF CIF LICENSING, LLC AND THIRD PARTY MOTOROLA, INC.**

Defendant Agere Systems Inc. respectfully moves the Court, pursuant to Fed. R. Civ. P. 37(a), to compel discovery from Plaintiff CIF Licensing LLC, d/b/a GE Licensing, and third-party Motorola, Inc. A proposed form of order is attached hereto. The grounds for this motion are set forth in Defendant's Opening Brief in Support of its Motion to Compel Discovery.

Respectfully Submitted,



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ATTORNEYS FOR AGERE SYSTEMS INC

Dated: August 15, 2008

CERTIFICATE OF SERVICE

I, Jeffrey T. Castellano, Esquire, hereby certify that on August 15, 2008, I caused to be electronically filed a copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on August 15, 2008, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following participants in the manner indicated:

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v.)
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RULE 7.1.1 STATEMENT

Pursuant to Rule 7.1.1 of the Local Rules of the United States District Court for District of Delaware, I hereby certify that counsel for Agere Systems Inc. ("Agere") has made a reasonable effort to reach agreement with counsel for CIF Licensing, LLC, d/b/a GE Licensing and counsel for third party Motorola, Inc. on the matters set forth in Agere's Motion To Compel Discovery From Plaintiff CIF Licensing, LLC And Third Party Motorola, Inc., and that the parties have not been able to reach agreement.

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ATTORNEYS FOR AGERE SYSTEMS INC

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GE LICENSING,)
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)
AGERE SYSTEMS INC.,)
)
Defendant.)

ORDER

WHEREAS, Defendant Agere Systems Inc. ("Agere") has filed a Motion To Compel Discovery From Plaintiff CIF Licensing, LLC And Third Party Motorola, Inc.; and the Court having considered the respective papers submitted by Agere, Plaintiff CIF Licensing LLC, d/b/a GE Licensing ("GE"), and third-party Motorola, Inc. ("Motorola"), if any, in support of, or in opposition to, said motion; and the Court having considered oral argument of counsel for the respective parties, if any; and the Court having considered the pleadings in this matter and the current status of the case; and for other good cause having been shown;

NOW THEREFORE, IT IS HEREBY ORDERED that GE and third-party Motorola, within five (5) calendar days of this Order:

1. Produce complete and unredacted copies of those documents listed in Exhibit C to Agere's Opening Brief in Support of its Third Motion to Compel Discovery;
2. Produce copies of all relevant, responsive documents that have been disclosed by GE to third-parties, including but not limited to Motorola, Inc., Standard & Poor's and Duff & Phelps, LLC, that previously been withheld as privileged;
3. Produce copies of all relevant, responsive documents that have been disclosed by

Motorola to GE that previously been withheld as privileged; and

4. Make available Gerry Haskett, Patrick Maurer, Richard Misiag, and Michael Stolarski to answer those deposition questions that these witnesses refused to answer on the basis of the common interest doctrine.

DATED: _____, 2008 _____
UNITED STATES DISTRICT JUDGE

61456663 v1

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GE LICENSING,)
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AGERE SYSTEMS INC.,)
Defendant.)

NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendant Agere Systems Inc. will present its Motion To Compel Discovery From Plaintiff CIF Licensing, LLC And Third Party Motorola, Inc. to the Court on Friday, September 12, 2008, at 10:00 a.m.

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